

United States District Court
For the Northern District of California1 E-FILED on 5/18/06

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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OMAR F. MOUSA,

Plaintiff,

v.

STATE OF CALIFORNIA; SANTA CLARA
COUNTY DISTRICT ATTORNEY;
DEPARTMENT OF REVENUE;
PROBATION DEPARTMENT

Defendant.

No. C-06-01992 RMW

ORDER AFFIRMING DENIAL OF LEAVE
TO PROCEED *IN FORMA PAUPERIS*

The court is in receipt of Omar Mousa's letter requesting reconsideration of the denial of his application to proceed *in forma pauperis*. There are two requirements to proceed *in forma pauperis*: poverty and merit to the underlying suit. *See O'Loughlin v. Doe*, 920 F.2d 614, 618 (9th Cir. 1990). The relief Mousa requests in his complaint against various California state entities is an investigation and a writ of mandate or prohibition. There is no basis for federal jurisdiction over such a suit. The denial of leave to proceed is *in forma pauperis* affirmed.

DATED: 5/18/06RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been electronically sent to:**

2 **Plaintiff:**

3 Omar F. Mousa
109 Town & County Village
4 Sunnyvale, CA 94086

5 Counsel are responsible for distributing copies of this document to co-counsel that have not
6 registered for e-filing under the court's CM/ECF program.

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9 **Dated:** 5/18/06

/s/ JH
Chambers of Judge Whyte